

4. The Court ordered Defendant Pennock to file an Amended Answer no later than October 6, 2015 [Dkt. 54].

5. As of this filing, Defendant Pennock has failed to file an Amended Answer, and on December 30, 2015, the Clerk entered default against Defendant Pennock [Dkt. 56].

II. WITHDRAWAL NECESSITATED BY PLAINTIFFS' FAILURE TO PAY ATTORNEYS' FEES

6. Plaintiffs have not paid attorneys' fees which are due and owing to CHWWA pursuant to the contract for services between Plaintiffs and CHWWA.

7. CHWWA sent invoices to Plaintiffs on June 30, 2015, July 31, 2015, and August 31, 2015, but Plaintiffs have not paid these invoices.

8. CHWWA contacted Plaintiffs on September 18, 2015, via electronic mail, requesting payment of its outstanding attorneys' fees; however, Plaintiffs did not remit payment.

9. CHWWA contacted Plaintiffs on December 4, 2015, via telephone and electronic mail requesting payment of its outstanding attorneys' fees. In its telephone call and electronic mail, CHWWA informed Plaintiffs that CHWWA intended to file its Motion to Withdraw as Counsel in this action. Plaintiffs did not respond to CHWWA's correspondence.

10. CHWWA again contacted Plaintiffs by electronic mail (and overnight mail) on December 30, 2015, informing Plaintiffs of CHWWA's intent to file this Motion by today's date.

11. Plaintiffs have not consented to the filing of this Motion despite CHWWA's diligent efforts to contact Plaintiffs on December 4, 2015, and December 30, 2015, in an attempt to obtain consent.

12. Substitute counsel has not yet made an appearance for Plaintiffs in this lawsuit.

13. The last known address and contact information for each Plaintiff is as follows:

Aptys Solutions, LLC
Attn: Brian Geisel
6991 Peachtree Industrial Boulevard #400
Norcross, GA 30092
678-485-3448

Brian Geisel
2025 Drummond Pond Road
Milton, GA 30004
678-485-3448

14. CHWWA has advised Plaintiffs of the scheduling order and pending deadlines in this case and has counseled Plaintiffs to secure a succeeding attorney as soon as possible.

15. The pending deadlines in this case are:

- a) Party with the burden of proof of any claim shall file a designation of expert witnesses by January 5, 2016;
- b) Rebuttal designation of expert witnesses is set for February 5, 2016;
- c) The discovery deadline is April 1, 2016;
- d) A joint report regarding the status of settlement negotiations is due on April 15, 2016;
- e) All dispositive motions, including motions for summary judgment on all or some of the claims, Daubert motions, and motions to exclude or objections to expert witnesses, shall be filed by May 2, 2016;
- f) A Joint Pretrial Order shall be filed by August 1, 2016;
- g) Exhibits, Exhibit Lists, Witness Lists, and Deposition Designations are due by August 3, 2016;
- h) Objections to witnesses (except expert witnesses), exhibits, and deposition designations shall be filed by August 8, 2016;

- i) Objections to the proposed jury instructions shall be filed by August 8, 2016;
- j) Motions in limine and requested voir dire questions shall be filed by August 8, 2016; and
- k) This case is set for trial on August 15, 2016.

III. MOTION TO EXTEND EXPERT WITNESS DESIGNATION DEADLINES

16. The deadline for Plaintiffs to file a designation of expert witnesses is currently set for **January 5, 2016**, and the designation of rebuttal expert witnesses is set for February 5, 2016.

17. As Defendant is in default [Dkt. 56], it is unlikely that the parties to this action will need to designate expert witnesses; however, out of an abundance of caution, we respectfully request that this Court extend the deadlines for the designation of expert witnesses as follows:

- a) Grant a thirty (30) day extension for Plaintiffs to designate an expert witness, causing the deadline for Plaintiffs to file a designation of expert witnesses to be reset for February 4, 2016; and
- b) Grant a thirty (30) day extension for the designation of rebuttal expert witnesses, causing the deadline for the Defendant to designate his rebuttal expert witnesses to be reset for March 7, 2016.

18. The relief requested herein is not sought for delay, but so that justice may be done, and so that Plaintiffs may have an opportunity to retain alternate counsel.

19. The relief requested herein should not cause delay to any other deadline currently pending in this action.

20. CHWWA has caused to be delivered to Plaintiffs a copy of this Motion.

21. In accordance with Rule 7.1(a) of the Local Civil Rules of this Court, CHWWA does not have any defendants with whom to confer. Defendant Harris has been dismissed from this action [Dkt. 53] and Defendant Pennock is in default.

WHEREFORE, Annette A. Idalski, F. Beau Howard, and Chamberlain, Hrdlicka, White, Williams & Aughtry respectfully request that:

- a) This Court allow their immediate withdrawal as counsel of record for Plaintiffs Aptys Solutions, LLC and Brian R. Geisel;
- b) The deadline for Plaintiffs' designation of expert witnesses be extended to February 4, 2015;
- c) The deadline for the designation of rebuttal expert witnesses be extended to March 7, 2015; and
- d) For such other and further relief as this Court deem just, equitable, and appropriate.

Respectfully submitted this 31st day of December, 2015.

By: s/ Annette A. Idalski
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that on December 31, 2015, I electronically filed the foregoing **Chamberlain, Hrdlicka, White, Williams & Aughtry's Motion to Withdraw as Counsel for Plaintiffs Aptys Solutions, LLC and Brian R. Geisel and Motion to Extend Expert Witness Designation Deadlines** through the Court's CM/ECF system which will send a notice of electronic filing to counsel of record, as follows:

Sean M. Pennock, *Pro Se*
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CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & AUGHTRY

By: s/ Annette A. Idalski
Annette A. Idalski
Texas Bar No. 00793235

PROPOSED ORDER PREPARED BY

Annette A. Idalski

Texas Bar No. 00793235

F. Beau Howard (*pro hac vice*)

Georgia Bar No. 142641

CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & AUGHTRY